

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Leonardo Paskell,)	
)	C/A No. 3:14-4182-MBS
Plaintiff,)	
)	
vs.)	
)	OPINION AND ORDER
SRA International,)	
)	
Defendant.)	
_____)	

Plaintiff Leonardo Paskell, proceeding pro se, filed the within complaint on October 27, 2014, asserting that his former employer, Defendant SRA International, discriminated against him and wrongfully terminated him in violation of 42 U.S.C. §§ 2000 et seq. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge Shiva V. Hodges for pretrial handling.

On November 12, 2014, Plaintiff filed a letter informing the court that he had moved to Washington, D.C. and providing a change of address. ECF No. 11. Plaintiff filed a second letter providing a more complete address on December 29, 2014. ECF No. 15. On December 30, 2014, the court issued an order granting Plaintiff leave to proceed in forma pauperis. ECF No. 18. Also on December 30, 2014, the Magistrate Judge issued an order directing Plaintiff to bring the complaint into proper form by completing a summons form and Form USM-285. ECF No. 20. The orders were forwarded to Plaintiff at his new address.

On January 26, 2015, the envelope containing Plaintiff's copy of the court's order granting his application to proceed in forma pauperis was returned to the Office of the Clerk of Court marked "RETURN TO SENDER - ATTEMPTED - NOT KNOWN - UNABLE TO FORWARD." ECF No.

22. The Magistrate Judge issued a second proper form order on January 28, 2015. On February 3, 2015, the envelope containing Plaintiff's copy of the first proper form order was returned to the Clerk's Office marked "RETURN TO SENDER - NOT DELIVERABLE AS ADDRESSED - UNABLE TO FORWARD." ECF No. 26.

On March 3, 2015, the Magistrate Judge issued a Report and Recommendation in which she recommended that the complaint be dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b). On March 4, 2015, the envelope containing Plaintiff's copy of the second proper form order was returned to the Clerk's Office marked "RETURN TO SENDER - NOT DELIVERABLE AS ADDRESSED - UNABLE TO FORWARD." ECF No. 30. As of this date, the envelope containing Plaintiff's copy of the Report and Recommendation has not been returned to the court, and neither has Plaintiff responded or objected to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

It appears that Plaintiff no longer wishes to pursue this action. The court concurs in the recommendation of the Magistrate Judge that the case be dismissed. Accordingly, the within action

is dismissed without prejudice pursuant to Rule 41(b).

IT IS SO ORDERED.

/s/ Margaret B. Seymour

Senior United States District Judge

Columbia, South Carolina

March 27, 2015

NOTICE OF RIGHT TO APPEAL

**Plaintiff is hereby notified of the right to appeal this order
pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**